

Special Leave Scheme Policy and Procedure (Teachers)

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North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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1. Introduction

As an equal opportunities employer, North Ayrshire Council is committed to developing and applying employment policies which assist Teachers in carrying out their personal responsibilities without adversely affecting their continuity of employment.

The Council recognises that there are a number of circumstances which can arise where Teachers may need time off work through Special Leave especially where the role does not have access to other flexible working arrangements due to the in-building workstyle and front-facing nature of the job. Where Teaching staff do work within Council Headquarters or have access to flexible working, then this document does not apply and the Special Leave Scheme for all other employees applies.

This policy and procedure complement the provisions already expressed in the SNCT Handbook in respect of Special Leave at Part 2 Section 9.

If a hard copy of this document is required, please ask the school office or the HR Team (HROperationsTeam@north-ayrshire.gov.uk) or for any of the other documents linked or mentioned throughout the scheme.

1.1 Overview

1.1.1 The purpose of this policy is to ensure a fair and consistent approach to the granting of Special Leave across all North Ayrshire educational establishments. This policy applies to term-time teaching employees. North Ayrshire Council already has several policies and procedures in place to support employees to balance the demands of working life, external commitments, and family life, e.g.:

- Work-Life Balance
- Carers' Leave Scheme
- Bereavement Support Scheme
- HR Guide: Family Leave

In the above documents, please ignore reference to flexi/toil as this is not applicable.

1.1.2 It is recognised, that from time to time, employees' lives outside of work may necessitate some form of support from the Council. Due consideration will therefore be given to allow employees access, where appropriate, to Special Leave and depending on the nature of the request, this may either be paid or unpaid leave. North Ayrshire Council employees' have annual leave entitlement, and it is intended that leave should be used effectively when planning time off requirements, however it is recognised this is designated outside of term-time and therefore leave provisions may be required from time to time during the academic session.

1.1.3 Special Leave is a generic term for authorised absence from the workplace not covered by other arrangements such as annual leave or other policies which grant specific leave such as bereavement leave, carer's leave or safe leave (Domestic Abuse Policy). Within the special leave scheme, there are two categories of leave:

- **Statutory** (where the Council is legally required by law to grant the time off)
 - **Non- Statutory** (where the Council considers it reasonable to grant requests under specific circumstances, however granting this is entirely at the Council's discretion.)
- 1.1.4 Within each academic year up to **10 days** non statutory special leave may be granted.
- 1.1.5 It is generally considered reasonable to grant five days paid and five days unpaid.
- 1.1.6 Please note that the use of the word 'days' has an element of ambiguity in it, in that it will not be strictly pro-rated to hours and could be determined as 'occasions'. The objective is for reasonable time off to be considered. This means that employees may receive less than 10 days or over 10 days depending on exceptional circumstances.
- 1.1.7 By providing an amount (10 days), this serves to give a clarity of expectation but should not be seen as an entitlement, as the granting of special leave is contingent upon the exigency of operational factors. The Head Teacher has discretion as to whether the leave granted is up to five days paid or up to five days unpaid. In granting the request, the reason as to whether paid or unpaid should be noted on the form. Head Teachers are encouraged on receipt of a Special Leave Request to review the employee's prior requests within that academic year and what they have granted in similar circumstances to ensure consistency throughout the school.
- 1.1.8 Where Special Leave is not granted, it is recommended that a discussion takes place to explain the justification behind the refusal with a copy of the completed form provided to the employee and ensure a record is entered on the HR System by returning the form to Education Resources.
- 1.1.9 Teachers leaving school during non-class contact time are not required to submit a special leave request.

1.2 Definitions

- 1.2.1 For the purpose of this policy a **dependant** is defined as:
- A spouse / partner / registered civil partner
 - A child
 - A parent or a person who lives in the same household as the employee as a member of the family
- 1.2.2 For the purpose of caring responsibilities under The Carers (Scotland) Act 2016, a carer means:
- If an employee provides (or intends to provide) care for another person – but **not**:
- if this is only because of that person's age (where they are under 18); or
 - if they are caring because they have a contract or as voluntary work.

1.3 Requesting special leave

- 1.3.1 Where no alternative leave / hours are available to be utilised, employees must complete a [Special Leave Request Form](#) and seek authorisation from their Head Teacher. Where the Special Leave is unplanned, employees are required to notify their Head Teacher as soon as they are aware that they wish to request Special Leave within a minimum of 2 hours of their normal start time. Teachers have a total of up to 10 days per academic year for non-statutory provisions. Statutory / other provisions are excluded from the 10 days.
- 1.3.2 When considering any special leave application, the needs of the Council's services should always be given priority. However, requests should not unreasonably be refused, and that Head Teachers act fairly, compassionately, and consistently at all times. Head Teachers can ask for supporting documentation / information as appropriate. Any Special Leave granted will require the completion and authorisation of a Special Leave Request form.
- 1.3.3 In the event that Special Leave is refused, the Head Teacher will submit written justification for refusal in the appropriate section of the form and must send a copy to Education Resources (for recording) for filing and also a copy to the employee.
- 1.3.4 If paid Special Leave has been authorised then the service is responsible for ensuring that the leave data is input into the HR system.
- 1.3.5 If Special Leave is unpaid, then the service **must** also forward a copy of the form to Payroll Team in Cunninghame House, Irvine payroll@north-ayrshire.gov.uk to ensure an appropriate salary deduction. The deduction for any agreed special leave without pay is 1.20513/235th of the annual rate of salary for each day of special leave.
- 1.3.6 Periods of absence from your workplace which are unpaid are regarded as 'non-pensionable'. No scheme contributions are deducted for any period of time you are unpaid and as a consequence, any earnings lost are not included in your benefit calculations. There are no provisions to pay back contributions directly relating to unpaid days, but there are [other options](#) to increase your pension benefits that you may want to consider following a prolonged period of unpaid leave.

2. Statutory special leave

The Council is required to grant time off for the following categories of leave:

2.1 Antenatal care

- 2.1.1 All pregnant women, regardless of their length of service, must be allowed reasonable time off **with pay** for antenatal care. This covers any appointment made on the advice of a doctor, midwife or health visitor and includes such things as relaxation classes and dental appointments. Further details can be found in the [Maternity Scheme for Teachers and Associated Professionals](#).

- 2.1.2 The spouse or partner of an expectant mother can also be granted time off to attend up to two antenatal appointments with the expectant mother **without pay**.

2.2 Emergency care of dependents

- 2.2.1 An employee is allowed to have reasonable period of statutory unpaid time off to deal with an unexpected or sudden problem involving a dependent. The deduction for any reasonable time off without pay is 1.20513/235th of the annual rate of salary for each day of reasonable time off work, without pay.
- 2.2 It is advised that non-statutory Care of Dependent is used in the above circumstances in the first instance. The non-statutory provision provides 5 days paid and 5 days unpaid. Further details can be found in section 3.3

2.3 Jury service

- 2.3.1 An employee receiving a summons to serve on a jury will be granted special leave with pay to attend, subject to deduction of allowances to which the employee is allowed under the Jurors' Allowances Regulations.
- 2.3.2 Employees are required to declare any allowances received via the court to their manager. Managers should request this information from any employee who has received paid time off for jury duty. Should an employee fail to advise the Service of allowances received within one month of completing jury duty, the number of hours absent from work will be deducted from the employees pay.

2.4 Parental Bereavement

- 2.4.1 Statutory Bereavement Leave entitles eligible parents who have suffered the loss of a child under 18 or a still birth from 24 weeks pregnancy to two weeks statutory parental bereavement leave and statutory bereavement pay within 56 weeks of the death. Further details can be found in the [bereavement leave scheme](#).

2.5 Parental leave

- 2.5.1 Parental Leave is a statutory right provided to give parents of children including adopted children, the right to take a period of unpaid time off work to look after a child or make arrangements for the child's welfare. The Parental Leave Scheme is detailed in the HR Guide: Family Leave. Shared Parental Leave is detailed in the Maternity Scheme for Teachers and Associated Professionals.

2.6 Public duties

- 2.6.1 Employees have a statutory right under the Employment Rights Act 1996 to reasonable time off for the performance of certain public duties. North Ayrshire Council will therefore grant up to 108 hours paid leave of absence (any more than this will be unpaid) to employees' pay for public duties associated with their role as:

- a magistrate (also known as a justice of the peace)
- a local councillor
- a school governor
- a member of any statutory tribunal (for example an employment tribunal or Children's Panel)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of a school council or board in Scotland
- a member of the Environment Agency or the Scottish Environment Protection agency
- a member of the prison visiting committees (Scotland)
- a member of Scottish Water or a Water Customer Consultation Panel
- a trade union member (for trade union duties)

2.7 Trade union duties

2.7.1 Please refer to the [Facilities for Trade Union Duties & Activities Procedure](#) for Teachers and Associated Professionals.

3. Non-statutory special leave

Non-statutory Special Leave – please note the provisions under paragraphs 1.1.4 – 1.1.9 above and other leave provisions from separate policies under section four.

Any special leave that is permitted under the following categories is entirely at the Council's discretion can be paid or unpaid. The deduction for any agreed special leave without pay is 1.20513/235th of the annual rate of salary for each day of special leave.

- Employees should normally arrange any appointments out with normal pupil contact time.
- For a special leave request for the purposes of caring responsibilities detailed under section four, this is as defined by the Carers (Scotland) Act 2016.

Where employees are not able to arrange an appointment out with normal pupil contact time, non-statutory special leave may be granted subject to completion and authorisation of the special leave request form for the following reasons: -

3.1 Community emergency services

3.1.1 Teachers who have agreed with their Head Teacher that they can participate in community emergency services, e.g., retained firefighter / lifeboat crew, will

be granted leave of absence with pay to attend emergencies which occur during working hours.

3.2 Culturally diverse festivals / Religious observance

- 3.2.1 Teachers who are involved in culturally diverse communities / festivals / activities and who have a fixed number of annual leave days may be granted additional leave to participate in such events falling within term-time.
- 3.2.2 All teachers, regardless of religious belief or non-belief, are required to work in accordance with their contract; however, a teacher may request flexible working arrangements to carry out acts of religious observance such as prayer. This may be daily or at certain times in the year. Head Teachers should consider such requests sensitively and should work on a case-by-case basis to reach agreement on achieving an acceptable outcome to the request for both parties.

3.3. Care of Dependent

- 3.3.1 North Ayrshire Council provides additional leave if an employee, as the principal carer of a dependant, requires time off to attend a clinical / medical appointment with a dependant or if the dependent becomes ill.
- 3.3.2 The provision provides 5 days paid and 5 days unpaid. In the case of serious illness of a dependant, the Head Teacher will have the discretion to grant special leave unpaid for up to a total of 1 year.

3.4 Fostering Friendly Leave

- 3.4.1 North Ayrshire Council recognises and values the contribution foster carers make to the lives of children and young people in care. To be eligible for fostering friendly leave employees must satisfy the below eligibility criteria;
- are applying to become foster carer or;
 - are approved foster carers and have a child in placement (or have had a child in placement for 75% of the previous 12 months) or are an approved kinship carer and;
 - have 3 or more months continuous service
- 3.4.2. Where employees meet the above eligibility criteria, the below paid leave provisions are available on a pro-rata basis (in any rolling 12-month period) and should be requested via the Special Leave Request Form. In addition to the form, Line Managers may request supporting evidence/documents if appropriate:
- assessment and initial training prior to approval as a foster carer - up to a maximum of three days
 - attendance at panel for approval – one day
 - Child review meetings, annual foster carer review meeting and training – up to five days.

- 3.4.3 Where there is the long-term placement of a child/young person, employees can utilise any element of the Special Leave Scheme where time off is provided in relation to care of a dependant.
- 3.4.4 Our Work Life Balance Policy may also support employees on a long-term basis where flexible working is required.
- 3.4.5 Further information regarding adoption leave can be found in the Adoption scheme.

3.5 Election duties / Parliamentary candidates

- 3.5.1 Election duties – leave of absence with pay may be granted subject to the needs of the service being met, and no replacement teacher being required.
- 3.5.2 Parliamentary candidate, or a parliamentary election agent – will be eligible to unpaid leave at the time of the election.
- 3.5.3 If the employee stands as a candidate at other Council elections, they may be eligible to unpaid leave, on the day of the election.
- 3.5.4 In all cases, Head Teachers must take the needs of the school into account, before agreeing any leave.

3.6 Interviews

- 3.6.1 Interviews – if an employee attends a job interview, they may be granted a maximum of one day's special leave per interview with pay (up to a maximum of five interviews per academic session after which leave would be unpaid). If more than one day is required, an employee may be granted leave of absence without pay dependant on the circumstances.

3.7 Marriage / Civil partnership registration

- 3.7.1 Marriage / civil partnership registration – A maximum of one day with pay may be granted for the attendance at a wedding / civil partnership. Where the leave is for an employee's own marriage / civil partnership registration, this is at the discretion of the Head of Service (Education), any other marriage / civil partnership registration will be at the discretion of the Head Teacher.

3.8 Medical treatment (except for antenatal appointments)

- 3.8.1 Optical, dental, orthopaedic, or other medical treatment for employees or their dependents should be arranged outside normal working hours. If this is not possible, managers must be reasonably satisfied that this is the case, prior to granting paid leave for medical treatment.
- 3.8.2 Preventative medical treatment – If an employee requires a preventative examination or treatment, they may be granted reasonable paid time off. Where an employee has a long-term health condition or a disability under the Equality Act 2010 that requires frequent medical treatment, additional leave may be provided as a reasonable adjustment and to support their attendance at work.

- 3.8.3 Fertility Treatment – North Ayrshire Council will be supportive of any individual who requires time off for fertility treatment, they may be granted reasonable paid time off. Should the employee require time off for medical or other treatment in relation to fertility treatment, please contact the HR Team for guidance on this situation.
- 3.8.4 Gender reassignment – the Council will be supportive of any employee who expresses an intention to undergo gender reassignment and will work with the employee to try and ensure as smooth a transition at work as possible. Should the employee require time off for medical or other treatment in relation to gender reassignment, please contact the HR Team for guidance on this situation.

3.9 Moving house

- 3.9.1 Moving house - There is an expectation removal is arranged on a weekend or during school holidays, where this is not possible, one day of leave with pay may be granted.

3.10 Police volunteering – Special Constables

- 3.10.1 Teachers who are successful in gaining a place on the Police Scotland Special Constable training programme can be provided with five days paid special leave (pro-rated for part-time employees) to support employees during the initial compulsory training and residential week at Police College. This allowance can only be used once.
- 3.10.2 Thereafter, on successful completion of initial training, Special Constables will receive up to five days paid (pro-rated for part-time employees) per year under the Council's Special Leave Scheme to attend deployments or training which occur during normal working hours. Thereafter, any further volunteer hours must be completed during their own time.

3.11 Quarantine leave

- 3.11.1 An employee who is prevented from attending their place of employment because of contact with notifiable infectious diseases shall advise the Council immediately. Full pay will apply during the absence. A period of absence, in this case, should not be reckoned against their entitlement to sickness allowance.

3.12 Service in non-regular forces

- 3.12.1 Teachers who are members of non-regular forces and attend annual training camp for a period of one week or more but not exceeding 15 days will be granted special leave with pay equal to the period which the employee attends the training camp, but not exceeding 15 days and subject to the deduction of service pay and allowances received for the special leave period. This leave allowance is per financial year.

3.13 Time to train

3.13.1 The Employment Development policy is in place to encourage the on-going development of all Council employees. Employees authorised to study a course at university or college may be supported in a number of ways, as outlined in North Ayrshire Council's External Development & Study Guidance. Please refer to the Employment Development policy and guidance documents for more information.

3.14 Voluntary services overseas

3.14.1 Teachers applying for voluntary service overseas with the Voluntary Service Overseas organisation may be granted leave of absence without pay for a period of up to two years provided the employee has two years' continuous service with the Council.

3.15 Witness service

3.15.1 Where an employee is cited to attend as a witness, leave of absence will be granted as follows:

- In the case of professional witnesses, leave with pay, on the understanding that witness fees received (excluding travelling and subsistence expenses) are paid to the Council.
- Otherwise, leave without pay, it being left to the employee to claim from the person citing him/her an allowance in respect of loss of remuneration.

3.15.2 Upon receipt of a citation and after having reported the fact to the Head Teacher, an employee should present the document to Payroll, where the individual's current daily or hourly rate of pay will be entered in the loss of earnings section and certified as correct by payroll.

4. Other Leave Provisions

The Council would encourage that leave requested from this category would be considered reasonably and approved as the following leave provisions are incorporated within specific policies designed to minimise potential sickness absence where there is no approval granted.

4.1 Funeral / Bereavement leave

4.1.1 Where the employee requests time off to attend the funeral of a close family member, Head Teachers have the discretion to provide up to one day paid special leave. This is in addition to the leave provided as part of the Bereavement Support and Leave Scheme.

4.1.2 Where any employee requests time off for a funeral where it is not a close family relation, Head Teachers may grant up to 3.5 hours paid leave to attend. In normal circumstances it is expected that, where possible, the employee will attend work before/after the service, but this will depend on the actual time and location of the funeral.

- 4.1.3 The [Bereavement Support and Leave Scheme](#) can provide up to 10 days paid Bereavement Leave, further details can be found in the scheme.

4.2 Pregnancy Loss

- 4.2.1 North Ayrshire Council is committed to supporting employees who have suffered pregnancy loss, further supports can be found within the [HR Guide: Pregnancy Loss](#).

4.3 Domestic abuse

- 4.3.1 A Teacher who is experiencing domestic violence may be granted up to 10 days paid Safe Leave through the [Domestic Abuse policy](#). Please refer to this policy for further guidance.

4.4 Caring responsibilities

- 4.4.1 North Ayrshire Council is a Carer Positive Employer and has made a commitment to support employees who have caring responsibilities.
- 4.4.2 For short-term caring responsibilities, special leave can be requested that provides up to five working days paid and five days unpaid to meet caring responsibilities.
- 4.4.3 Long-term provisions of up to 12 weeks leave are available to request, further details can be found in the [Carers' Leave Scheme](#).

5. Recording of Special Leave Requests

- 5.1 All granted special leave requests should be recorded on the HR System by the appropriate Education Business Assistant using the details provided on a copy of the completed Special Leave Request Form. A copy of the form should be provided to the employee as this should also justify whether the leave was paid or unpaid.
- 5.2 Where the request has been refused, justification should be noted within the form and the employee should be made aware of the rationale behind the decision; it is recommended that a discussion takes place to explain the justification behind the refusal with a copy of the completed form provided to the employee. A copy of the form should be sent to Education Resources.

Appendix 1: Special Leave at a Glance

Statutory

(where the Council is required by law to grant the time off)

Special Leave Category	Statutory	Provisions available	Paid/Unpaid
Ante Natal Care	Statutory	All necessary treatments	All Ante Natal care is paid for Mother. Spouse/Partner – up to 2 appointments unpaid
Public Duties	Statutory	Up to 108 hours paid – anytime over 108 hours unpaid	Paid (hours over 108 unpaid)
Trade Union Duties	Statutory	Paid time to attend as required under the Facilities & Activities Procedure	Paid/Unpaid
Jury Service	Statutory	For as long as required.	Unpaid (reclaimed via Court)
Parental Bereavement	Statutory	Up to two weeks	Paid
Parental Leave	Statutory	Up to 4 weeks per year – must be taken in blocks of a week.	Unpaid

Non-Statutory

(which is given entirely at the discretion of the Council, up to 10 days in an academic year)

Special Leave Category	Statutory/Non-Statutory	Paid/Unpaid	Entitlement
Caring Responsibilities		Paid	Up to 5 days
		Unpaid	Up to 5 days

Special Leave Category	Statutory/Non-Statutory	Paid/Unpaid	Entitlement
Witness Service	Non-statutory	Professional witness paid/all other witnesses unpaid	For as long as required
Attendance at Funeral	Non-statutory	Paid	Up to a day – close relative 3.5 hours – not close relative (separate to Bereavement Leave)
Attendance at Medical Treatment (except for antenatal appointments)	Non-statutory	Paid Unpaid	Up to 5 days Up to 5 days
Preventative medical treatment	Non-statutory	Paid/Unpaid	Reasonable consideration for paid time to enable the employee to maintain attendance at work.
Interviews	Non-statutory	Paid	Up to 1 day
Culturally diverse festivals / religious observance	Non-statutory	Unpaid	Up to 5 days
Quarantine Leave	Non-statutory	Paid	As long as required
Police Volunteering	Non-statutory	Paid	Up to 5 days
Moving House	Non-statutory	Paid	1 day
Marriage / Civil Partnership Registration	Non-statutory	Paid	1 day
Election Duties	Non-statutory	Paid	As long as required
Parliamentary candidates	Non-statutory	Unpaid	Up to 4 weeks
Service in Non-Regular Forces (Training Camp)	Non-statutory	Paid	Not exceeding 15 days per financial year

Special Leave Category	Statutory/Non-Statutory	Paid/Unpaid	Entitlement
Community Emergency Services	Non-statutory	Paid	When emergencies occur
Voluntary Services Overseas	Non-statutory	Unpaid	For a period of up to 2 years
Time to Train	Non-statutory	Paid	Days of examination
Pregnancy Loss	Non-statutory	Paid	Up to 10 days via HR Guide: Pregnancy Loss
Safe Leave (Domestic Abuse)	Other (Non-statutory)	Paid	Up to 10 days via Domestic Abuse Policy
Bereavement	Other (Non-statutory)	Paid	Up to 10 days via Bereavement Leave Scheme
Carers Leave (note Caring Responsibilities above)	Other (Non-statutory)	Paid / Unpaid	Longer term – up to 12 weeks unpaid via Carers Leave Scheme.